

Notice of Allowability

Application No.

09/401,352

Examiner

Fred Ferris

Applicant(s)

NAYLOR ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 22 April 2004.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☒ The drawings filed on 27 December 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

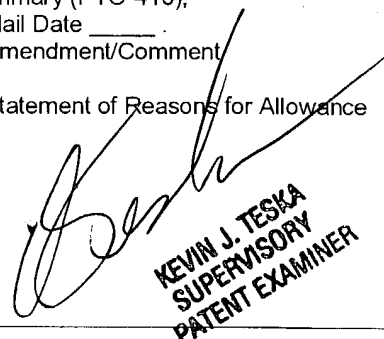
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER

DETAILED ACTION

1. *This Office Action is in response to applicant's amendment filed on 22 April 2004. Claims 1-32 are currently pending in this application. Claims 1-23 we previously allowed. Claims 24-32 have now been allowed over the prior art of record.*

Response to Arguments

2. *Applicants arguments filed on 22 April 2004 have been fully considered and found to be persuasive.*

Regarding applicant's response to 103(a) rejections: The examiner withdraws the 103(a) rejection of claims 24-32 in view of applicant's amendment to the claims.

Allowable Subject Matter

3. *Claims 1-32 are allowed over prior art of record.*

The following is an examiners statement of reasons allowance:

*Independent claims 1, 13, and 24 use "mean for" language and are given deference in view of *In re Donaldson* and interpreted in view of 35 U.S.C. § 112 paragraph 6. The "means for" language and the limitations related thereto of claims 1, 13, and 24 are interpreted within the scope of enablement as provided within the relative embodiment provided within applicant's specification.*

Specifically, applicants invention pertaining to the "means for" switching and electrically interconnecting the structural elements as configured by the element controller and delineated by the an element list and allocated by the

MRBResourceAllowcator (pages 6, 7, Fig. 7) as disclosed in applicants specification page 10, line 23 to page 12, line 27, and Figure 2 is deemed novel and non-obvious over prior art of record. Dependent claims 1-12, 14-23, and 25-32 are allowable by being dependent from claims 1 and 13 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 703-305-9670 and whose normal working hours are 8:30am to 5:00pm Monday to Friday.

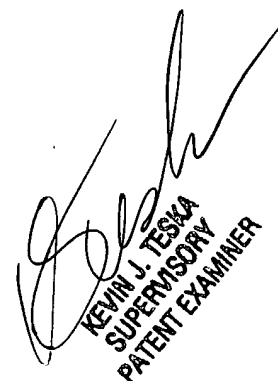
Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 703-305-3900.

The Official Fax Numbers are:

Official (703) 872-9306

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July 9, 2004



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